

SENATE BILL 127

M1

2lr0016

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 18, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2012

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Marine Gathering Permit – Establishment**

3 FOR the purpose of prohibiting a person from sponsoring or holding a marine
4 gathering without obtaining a permit from the Department of Natural
5 Resources; requiring an organizer or sponsor of a marine gathering to submit a
6 permit application and pay a certain permit fee to the Department ~~within a~~
7 ~~certain time period~~; prohibiting the Department from requiring a certain permit
8 application to be submitted within a certain time period; requiring the
9 Department to adopt certain regulations governing marine gathering permits;
10 requiring the Department to issue a certain permit under certain circumstances
11 and in accordance with certain requirements; authorizing the Department to
12 require certain terms in a certain permit; authorizing the Department to
13 recommend certain actions to a certain applicant for a certain purpose;
14 prohibiting the Department from requiring any additional terms or conditions
15 in a certain permit; requiring the Department to notify the local law
16 enforcement unit of the county in which the marine gathering will occur and
17 certain public safety organizations before issuing a permit; authorizing a police
18 officer to terminate and disband a marine gathering for failure to obtain a
19 certain permit or to comply with the terms of a certain permit; establishing
20 certain civil and criminal penalties for a violation of this Act; defining ~~a~~ a certain
21 ~~term~~ terms; and generally relating to the establishment of ~~the~~ a marine
22 gathering permit.

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Natural Resources
 2 Section 8–725.7
 3 Annotated Code of Maryland
 4 (2007 Replacement Volume and 2011 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Natural Resources**

8 **8–725.7.**

9 ~~(A) IN THIS SECTION, “MARINE GATHERING”:~~

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 11 MEANINGS INDICATED.

12 ~~(1) (2) (I) MEANS~~ “MARINE GATHERING” MEANS AN
 13 INTENTIONAL CONGREGATION OF AT LEAST 50 100 VESSELS IN THE WATERS OF
 14 THE STATE THAT, BY ITS NATURE, CIRCUMSTANCES, OR LOCATION, CREATES
 15 EXTRA OR UNUSUAL HAZARDS TO LIFE OR PROPERTY; AND.

16 ~~(2) (II) DOES~~ “MARINE GATHERING” DOES NOT INCLUDE:

17 ~~(I) 1.~~ 1. A RACE, A REGATTA, A PARADE, AN EXHIBITION,
 18 OR OTHER MARINE EVENT FOR WHICH A PERMIT IS REQUIRED BY THE UNITED
 19 STATES COAST GUARD;

20 ~~(II) 2.~~ A DOCKING COMPETITION; OR

21 ~~(III) 3.~~ VESSELS DOCKED OR MOORED AT A MARINA.

22 (3) “PERMIT” MEANS A MARINE GATHERING PERMIT ISSUED IN
 23 ACCORDANCE WITH THIS SECTION.

24 (B) A PERSON MAY NOT SPONSOR OR HOLD A MARINE GATHERING
 25 WITHOUT OBTAINING A WRITTEN PERMIT FROM THE DEPARTMENT.

26 ~~(C) (1) AT LEAST 60 DAYS BEFORE SPONSORING OR HOLDING A~~
 27 ~~MARINE GATHERING ON THE WATERS OF THE STATE, THE~~ THE ORGANIZER OR
 28 SPONSOR OF THE MARINE GATHERING SHALL SUBMIT A PERMIT APPLICATION
 29 TO THE DEPARTMENT AND PAY AN APPLICATION FEE ESTABLISHED BY THE
 30 DEPARTMENT.

1 (2) THE APPLICATION FEE MAY NOT EXCEED THE COST OF
2 PROCESSING ~~AND ENFORCING~~ THE PERMIT.

3 (3) THE DEPARTMENT MAY NOT REQUIRE THE APPLICATION TO
4 BE SUBMITTED MORE THAN 45 DAYS BEFORE THE MARINE GATHERING.

5 (D) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING
6 THE APPLICATION ~~FOR, AND~~ ISSUANCE OF, ~~AND TERMS AND CONDITIONS FOR~~
7 THE PERMIT.

8 (2) ~~THE TERMS AND CONDITIONS FOR THE PERMIT MAY INCLUDE~~
9 ~~PROVISIONS GOVERNING:~~

10 ~~(I) THE PLACEMENT OF BUOYS;~~

11 ~~(II) THE PRESENCE OF SECURITY OFFICERS WITH ARREST~~
12 ~~POWERS;~~

13 ~~(III) A LIMITATION ON THE DURATION OF THE MARINE~~
14 ~~GATHERING; AND~~

15 ~~(IV) ANY OTHER TERMS AND CONDITIONS CONSIDERED~~
16 ~~NECESSARY BY THE DEPARTMENT TO ENSURE PUBLIC SAFETY. IF A PERMIT IS~~
17 NEEDED TO ENSURE PUBLIC SAFETY, THE DEPARTMENT SHALL ISSUE A PERMIT
18 IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.

19 (3) THE DEPARTMENT MAY REQUIRE IN THE TERMS OF A PERMIT
20 ONE OR MORE OF THE FOLLOWING REQUIREMENTS:

21 (I) THE PRESENCE OF SECURITY OFFICERS AT THE MARINE
22 GATHERING;

23 (II) THE PRESENCE OF RESCUE PERSONNEL OR
24 LIFEGUARDS AT THE MARINE GATHERING;

25 (III) THE PLACEMENT OF BUOYS AT THE MARINE
26 GATHERING; AND

27 (IV) LIMITATIONS ON THE DURATION OF THE MARINE
28 GATHERING.

29 (4) THE DEPARTMENT MAY:

1 (I) RECOMMEND ADDITIONAL ACTIONS TO AN APPLICANT
 2 TO FURTHER SAFEGUARD THE PARTICIPANTS OF THE MARINE GATHERING; BUT

3 (II) NOT REQUIRE ANY ADDITIONAL TERMS OR CONDITIONS
 4 IN A PERMIT BEYOND WHAT MAY BE REQUIRED UNDER PARAGRAPH (3) OF THIS
 5 SUBSECTION.

6 (E) BEFORE ISSUING A MARINE GATHERING PERMIT, THE
 7 DEPARTMENT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT OF THE
 8 COUNTY IN WHICH THE MARINE GATHERING WILL OCCUR AND PUBLIC SAFETY
 9 ORGANIZATIONS THAT THE DEPARTMENT CONSIDERS NECESSARY.

10 (F) A POLICE OFFICER MAY TERMINATE AND DISBAND A MARINE
 11 GATHERING:

12 (1) HELD WITHOUT THE NECESSARY PERMIT; OR

13 (2) IN VIOLATION OF THE TERMS OF A PERMIT.

14 ~~(F) (G) (1) A PERSON WHO VIOLATES THIS SECTION OR A~~
 15 ~~REGULATION ADOPTED UNDER THIS SECTION IS LIABLE TO THE STATE FOR THE~~
 16 ~~COST OF DISBANDING THE MARINE GATHERING OR IMPLEMENTING THE PERMIT~~
 17 ~~TERMS AND CONDITIONS.~~

18 ~~(2)~~ (2) A PERSON WHO VIOLATES THIS SECTION OR A REGULATION
 19 ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
 20 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

21 ~~(3)~~ (2) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT
 22 VIOLATION OF THIS SECTION OR A REGULATION ADOPTED UNDER THIS SECTION
 23 ~~IS GUILTY IS:~~

24 (I) GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
 25 SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT
 26 EXCEEDING \$2,000 OR BOTH \$5,000; AND

27 (II) LIABLE TO THE STATE FOR THE COST OF DISBANDING
 28 THE MARINE GATHERING.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 June 1, 2012.